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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

INFINITY CAPITAL MANAGEMENT, INC.

Debtor.

Case No.: 21-14486-abl
Chapter 7

**DECLARATION OF MICHAEL D.
NAPOLI IN SUPPORT OF TECUMSEH'S
MOTION TO ALLOW AMENDMENT OF
DECLARATION [ECF NO. 59]**

Date: OST REQUESTED
Time: OST REQUESTED

I, Michael D. Napoli, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Michael D. Napoli. I am over the age of twenty one years, of sound mind, and fully competent to testify in this cause. I have personal knowledge of the facts stated herein, all of which are true and correct.

2. I am a partner in the law firm of Akerman, LLP, counsel for party in interest Tecumseh-Infinity Medical Receivable Fund, LP, ("**Tecumseh**") in the above-referenced case. I submit this declaration in support of Tecumseh's *Motion to Allow Amendment of Declaration [ECF No. 59]* (the "**Motion**"). In that capacity, I have personal knowledge of the matters set forth herein. If called upon to testify as to the matters herein, I could and would do so.

3. In preparing the servicing agreement between Tecumseh, HASelect and the interim servicer, I learned that I had attached incomplete copies of Exhibits A and B to the *Declaration in*

1 *Support of Motion of Party in Interest Tecumseh-Infinity Medical Receivables Fund, LP to (1)*
 2 *Abandon Property and (2) Lift the Automatic Stay* of Chad Meyer [ECF No. 59] (the
 3 “**Declaration**”). Only 17 or so pages of the 90 pages comprising Exhibit A were attached and the
 4 last page of Exhibit B was truncated.

5 4. Exhibit A is a printout of a spreadsheet provided by the Debtor:
 6 TIFDumpWithIncomeFinal.xlsx. Exhibit B is a printout of a second spreadsheet provided by the
 7 Debtor: ESDVerifiedHASOverlapDumpWithIncome.xlsx. We created the Exhibits by hiding
 8 certain of the columns identifying the patients and certain extraneous information for privacy and
 9 legibility reasons. We then printed the spreadsheets to PDF to create the exhibits for filing. For
 10 an unknown reason, when the two spreadsheets were printed to PDF to be filed with the
 11 Declaration, not all of the spreadsheets printed. This was a mistake on the part of Tecumseh’s
 12 counsel and not done on purpose. All parties have access to TIFDumpWithIncomeFinal.xlsx and
 13 ESDVerifiedHASOverlapDumpWithIncome.xlsx and they have been used in Rule 2004
 14 examinations in this case.

15 5. No party noticed this error until this week. I learned of this error when I was
 16 preparing a schedule to be used in the Servicing Agreement to be executed between HASelect and
 17 Tecumseh. When preparing the schedule identifying the receivables to be serviced by the interim
 18 servicer from the spreadsheets, I referred back to the Declaration to be sure the new schedule
 19 included all of the receivables claimed by Tecumseh. It was at that point, I discovered that there
 20 were pages missing from Exhibits A and B to the Declaration.

21 6. This amendment is necessary because the parties and the Court have used
 22 Exhibits A and B to the Declaration to identify the receivables claimed by Tecumseh from those
 23 that the Debtor indisputably owned and HASelect had a lien on. *See, e.g., Order Granting*
 24 *Joint Motion of Chapter 7 Trustee and Secured Creditor HASelect-Medical Receivables Litigation*
 25 *Finance Fund International SP to Approve Abandonment of Collateral* [ECF No. 97]; Trustee’s
 26 *Motion to (I) Approve Sale of Certain Assets; (II) Set Sale/Action Procedures; and (III) Set*
 27 *Auction Hearing Date* [ECF No. 145]. While the parties have hotly disputed ownership of the
 28 receivables, the parties have not disputed the identity of the receivables in dispute.

1 7. Attached to the Motion are complete versions of Exhibits A and B to the
2 Declaration. As with the previous versions, these versions are printouts of the all of the rows in
3 TIFDumpWithIncomeFinal.xlsx and in ESDVerifiedHASOverlapDumpWithIncome.xlsx.
4 Exhibit A contains all (and only the) 8,185 (face value \$26,723,966.92) receivables claimed by
5 Tecumseh as discussed in the Declaration. Revised Exhibit B contains all (and only the) 485
6 (face value \$1,321,907.04) additional receivables claimed by Tecumseh as discussed in the
7 Declaration.

8 8. By the proposed amendment, Tecumseh seeks only to correct the record so that
9 the entirety of Exhibits A and B are included as intended. Tecumseh has not added any
10 receivables to either Exhibit.

11 I declare under the penalty of perjury of the laws of the United States of America that the
12 foregoing is true and correct.

13 Dated February 2, 2022

14
15 
16 Michael D. Napoli, Esq.